IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
SUMMONS FOR JUDGMENT NO.19 OF 2005
IN
SUMMARY SUIT NO.2621 OF 2001

Calchem Industries (India) Ltd....Plaintiff.

V/s.

M/s. Aarti Polymers & Ors. ...Defendants.

Mr.Vicky SIngh a/w Sanatan Panigrahi i/b M/s.M & M Legal Venture for the Plaintiff.
Shri Bharat Gandhi for the Defendants.

CORAM: S.U.KAMDAR,J.
DATE : 11th October, 2005.

P.C.:

1. The present Suit is filed for the recovery of Rs.5,77,566/- covered under three invoices. The invoices are dated 22nd May, 1998, dated 3rd June, 1998 and 7th August, 1998. They are due and payable on 28th July, 1998, 1st August, 1998 and 5th October, 1998. There is no dispute as to the delivery of the goods. Only defence raised is that the goods are defective. Admittedly, the Defendants have not rejected the goods and not returned the same to the Plaintiff. In that view of the matter, defence raised is bogus and without any merits. However, in order to give an opportunity to the Defendant to defend the Suit, Defendants are directed to deposit Rs.5 lakhs within a period of four weeks. The learned advocate appearing for the Defendants further stated that Mr.Anand K. Agarwal is

not a partner of the Defendant firm. If that is so, Plaintiff will be entitled to decree against the Defendant Nos.1 and 3 and entitled to execute the decree against all the partners of Defendant firm. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned judge taking Commercial Causes.

(S.U.KAMDAR,J.)